REMARKS

I. Status of the Claims

Claims 1-56 are pending in this application. Claims 1, 28-30, 33, 55 and 56 have been amended. As discussed below, no new matter has been added by this amendment and no estoppels are intended thereby.

The title, specification, and claims have been amended to replace the chemical name "1,8-bis(2,5-diaminophenoxy)-3,**5**-dioxaoctane," with "1,8-bis(2,5-diaminophenoxy)-3,**6**-dioxaoctane." These amendments are supported by the inventor's remarks in the Rule 1.132 Declaration filed herewith. Those of ordinary skill in the art would readily recognize that the nomenclature 1,8-bis-(2,5-diaminophenoxy)-3,**5**-dioxaoctane as used in the present application is a typographical error.

The present application states on page 2 that it was known, *e.g.*, in PCT application WO 92/13824, to use 2,5-diaminophenoxyoxaalkanes as oxidation bases, optionally in combination with couplers. The specification also states that the present inventor discovered, surprisingly and unexpectedly, that the combination of 1,8-bis-(2,5-diaminophenoxy)-3,**5**-dioxaoctane with at least one second suitably selected oxidation base and at least one coupler gave intense colorations with improved properties. *See* paragraph bridging pages 2-3.

The use of the "3,**5**" nomenclature, however, was in error. For an understanding of the nomenclature, the Examiner is referred, for example, to structural formula (I) of WO 92/13824, which shows a chain containing repeating ethylene oxide units, $-(OC_nH_{2n})_x-$, where n is 2 or 3 and x ranges from 1-3, where the repeating ethylene oxide units link two 2,5-diaminophenoxy units. When one considers the ethylene oxide chain [specifically $-OC_nH_{2n}(OC_nH_{2n})_xO-$ where the phenoxy oxygens are included in the definition of "chain"] linking the 2,5-diaminophenoxy

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units in formula (I) of the WO document, there must be at least two carbon atoms between each occurring oxygen atom. The "3,**5**" and "3,**6**" dioxaoctane nomenclature derives from counting the atom chain forming the ethylene oxide backbone. Specifically, referring to formula (I) of the WO document, when counting from the left-most carbon atom of the chain, and where n =2 and x =2, as in example 1.1 of the WO document, the chain of ethylene oxide units yields non-phenoxy oxygen atoms only at the 3 and 6 positions.

It is this "3,**6**" compound of WO 92/13824 which was contemplated by the inventor, as evidenced by her laboratory notebook pages dated from November 18, 1997, to December 1, 1997, and attached to the Declaration filed herewith. These lab notebook pages record the discovery of the present invention. Lab notebook page 168 shows the "3,**6**" compound as structure A. On lab notebook page 169, the inventor states that WO 92/13824 "is the base patent for molecule A." Further, although the compound is named incorrectly in example 1.1 of the WO document, it is clear from structural formula (I) at pages 2, 3, and 12 of the WO document that this compound should properly have been designated 1,8-bis-(2,5-diaminophenoxy)-3,**6**-dioxaoctane.

Thus, in view of the above, the present application should have recited "1,8-bis-(2,5-diaminophenoxy)-3,**6**-dioxaoctane" instead of "....-3,**5**-dioxaoctane" throughout the specification and claims. The disclosure fully supports this amendment because, as discussed, one skilled in the art would appreciate not only the existence of the error but what the error was and how to correct it. *See In re Oda*, 443 F.2d 1200, 1206 (C.C.P.A. 1971).

Applicant further notes that the European Patent Office allowed the correction of this same error in related European application 99401356.3, resulting in European patent EP 0 966 951 B1, issued October 24, 2001. A copy of this patent is enclosed for the Examiner's

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convenience. During prosecution of the European patent, the Examiner found the nomenclature of 1,8-bis-(2,5-diaminophenoxy)-3,5-dioxaoctane to be an obvious error, and in fact noted that the "3,5" designation was "without doubt" an error. The Examiner concluded on his own that the claimed compound was probably an ethylene oxide derivative, "which implies the presence of two carbon atoms between the two oxygen atoms." The Examiner then stated that the correct nomenclature would therefore be "3,6-dioxaoctane."

Accordingly, all of the evidence supports Applicant's position that the correction of the typographical error in nomenclature herein is not new matter and is fully supported by the specification as originally filed.

IV. Conclusion

In view of the foregoing amendments and remarks, Applicant believes the claims are now in condition for allowance. Please grant any extensions of time required to enter this paper and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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Enclosures: EP 0 966 951 B1
Rule 1.132 Declaration of Marie-Pascale Audousset (with 4 pp attachment)

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